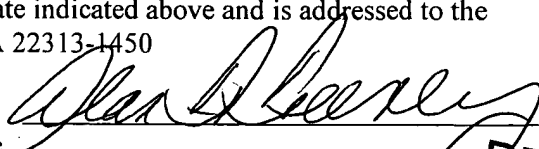


ATTORNEY DOCKET NO. 00537/183002 - 076/US/PCT/US

Certificate of Mailing: Date of Deposit: 5/20/2003

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Alan F. FeeneyPrinted name of person mailing correspondence Signature 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shalaby Wahba Shalaby et al.

Art Unit: 1617

Serial No.: 09/762,431

Examiner: Alysia Berman

Filed: May 22, 2001

Title: PHOSPHORYLATED POLYMERS AND CONJUGATES THEREOF

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED  
MAY 27 2003  
TECH CENTER 1600/2900

13/suppl  
Prior art  
w/att

2<sup>nd</sup> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO  
CHARGE DEPOSIT ACCOUNT

Director:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)

☒ under 37 CFR 1.97(c) together with either:☐ a Statement under 37 CFR 1.97(e), as checked below, or☒ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:☐ a Statement under 37 CFR 1.97(e), as checked below, and☐ a Petition under 37 CFR 1.97(d)(2), and☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

☐ Applicant requests that the attached IDS and cited reference(s) ☐ be placed in the application filewrapper.

(Filed after payment of issue fee)

☐ Some listed references were cited in the enclosed Search Report which issued in connection with the corresponding International Patent Application.

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449, with copies of the references noted thereon; with a Certificate of Mailing.
- ☒ Copies of the reference(s) noted on the enclosed form 1449 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. 09/131,472, from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)).

Concise Explanation Requirement (non-English references):

- ☒ The "concise explanation" requirement for reference(s) BL - BO on the attached P.T.O.-1449 under 37 CFR 1.98(a)(3) is satisfied by:
- ☒ the enclosed copy of the Information Disclosure Statement filed in U.S. Application Serial No. 09/131,472 together with the abstracts of the prior art references attached thereto.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO-1449 appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ Applicant(s) hereby authorize the Assistant Commissioner to charge the \$180.00 fee under 37 CFR 1.17(p) and any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Assistant Commissioner is hereby authorized to please charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,  
BIOMEASURE, INCORPORATED

Dated: 5-20-2003

By 

Alan F. Feeney, Attorney for Applicant(s)  
Registration No.: 43,609  
Telephone: (508) 478-0144  
Facsimile: (508) 473-3531

27 Maple Street  
Milford, Massachusetts 01757  
508-478-0144



RECEIVED  
MAY 27 2003  
TECH CENTER 1600/2900  
PATENT

Attorney Docket No. BPC076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----  
IN RE APPLICATION OF: :  
S. W. SHALABY ET AL. :

APPLICATION NO.: 09/131,472 :

FILED: AUGUST 10, 1998 :

FOR: PHOSPHORYLATED POLYMERS AND :  
CONJUGATES THEREOF :

-----  
Hon. Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

EXAMINER: To be assigned  
ART UNIT: 1615

I hereby certify under 37 CFR 1.8(a) that  
this correspondence is being deposited with  
the United States Postal Service as first  
class mail with sufficient postage on the  
date indicated below and is addressed to the  
Assistant Commissioner of Patents,  
Washington, D.C. 20231.

Date of Deposit March 10, 1999  
Rose Lee Madonna  
Rose Lee Madonna

INFORMATION DISCLOSURE STATEMENT

Applicants herein make available to the Patent and Trademark Office a copy of a form which conforms with PTO-FB-A820 and which lists references cited by Applicants, copies of which are enclosed.

This Information Disclosure Statement is being submitted under 37 C.F.R. 1.97(b)(3), before the mailing date of a first Office action on the merits. Therefore, no fee is due for filing this Information Disclosure Statement.

The following abstracts of the prior art references submitted herewith that are not in English were obtained from the database company Dialog.

Japanese Patent JP 5140432 A, discloses compositions which comprise 0.3-3.0 weight percent phosphorus atom per polyester of a polyphosphonate obtained by polycondensing at least one of bishydroxy compound  $\text{HOR}^{10}-(-\text{OC}-\text{A}-\text{COOR}^{10}-)_m-\text{H}$  (I) and at least one of P-monosubstituted phosphonyldichloride of formula (II). In formulae A is bivalent aromatic moiety not containing halogen atoms. R is 2-4C alkylene group, m is 1-2 and R is 1-9C alkyl, aryl, alkyl. The polyphosphonate has a mol. wt. of 8,000-30,000.

German Patent DE 1292862, discloses polycondensation of a compound (I), where R1 and R2 are H or Me and X is A 1-3C linear hydrocarbon bridge which may be substituted with 1-3C alkyl or alkylene groups, with phosphorus oxychloride is continued until the mol. wt. of the polyester is above 2000, but not so high so to render it insoluble in aqueous alkali compounds.

Russian Patent SU 672878 A, discloses phosphorylated polyesters having singly substituted divalent metal phosphates (I) are used as the singly substituted phosphates. The polyesters are obtained by reacting organic polyols with (I) at 100-300 degrees without solvent, with molar ratio phosphate:polyol=1:1-10. The resulting crystalline polyesters containing a divalent metal can be used as semiconductors, or in the manufacture of other polymers such as polyurethanes.

East German Patent DD 286600 A, discloses mixtures (I) which comprises (A) 5-85% (all pts. wt.) cellulose with cation-exchanging groups (B) 5-50% polyamide, polyester, polyethylene, and/or polypropylene (C) 0.1-25% polyacrylate where (A) + (B) + (C) = 100%. Preparation comprises sulphonating or phosphorylating preformed mixture of (A1) 5-85% cellulose, (B), and (C). Preferably (I) comprises 15-85%, especially 40-75% phosphorylated cellulose; 10-50% (B), especially 15-40% polyamide, and 1-25%, especially 1-15% (C). (I) is a flat object.

Japanese patent JP 44002111 B discloses aromatic polyester compositions comprising (1) aromatic polyester composed mainly of terephthalic acid and ethylene glycol and (2) 0.0001-0.1 weight percent organic polyphosphonate having a polymerisation degree greater than 8. Produced by reaction of phosphonyl dichloride and polyvalent alcohol, polyvalent phenol alcoholate or phenolate.

Korean Patent KR 9506717 B discloses polyester resin of mean molecular weight 2000-8000 for preventing damage of painted film from ultraviolet radiation is copolymerised with 10-40 mol. percent acid components including aliphatic carboxylic acid, aromatic carboxylic acid, saturated alicyclic carboxylic acid as

1,4-cyclohexane dicarboxylate or its ester derivative and 1-10 mol. percent polyhydric alcohol component such as trimethylol propane, ethylene glycol, propylene glycol, neopentyl glycol and p-xylene glycol, catalysts such as superoxides of Ca, Ce, Pb, Mo, Zn, Mg, Sb, etc., and germanium oxide, a thermal stabiliser with phosphorylated compounds.

The Examiner is requested to consider carefully the complete text of the references in connection with the examination of the above-identified application in accord with 37 C.F.R. 1.104(a). It is believed the Examiner will concur with Applicants' belief that the subject matter presently claimed is neither anticipated nor rendered obvious by the foregoing references.


It is requested that the references listed on the attached form PTO-FB-A820 be included in the "References Cited" portion of any patent issuing from this application (M.P.E.P. 1302.12).

A prompt and favorable response is earnestly solicited.

Respectfully submitted,

Date:

March 10, 1999

  
**John D. Conway**  
Attorney for Applicant  
Reg. No. 39,150

Biomeasure Inc.  
27 Maple Street  
Milford, MA 01757-3650  
(508) 478-0144